

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

WEB SERVICES INC., et al.,	:	CIVIL ACTION NO. 06-1775 (MLC)
	:	
Plaintiffs,	:	ORDER & JUDGMENT
	:	
v.	:	
	:	
OVERSTOCK.COM, INC.,	:	
	:	
Defendant.	:	
_____	:	

THE COURT being advised that the above-captioned action has been settled; and thus for good cause appearing;

IT IS THEREFORE on this 16th day of May, 2008, **ORDERED** that the motion for leave to amend a counterclaim (dkt. entry no. 44) is **DENIED WITHOUT PREJUDICE**; and

IT IS FURTHER ORDERED AND ADJUDGED, that:

(1) the complaint is **DISMISSED** (a) without costs and (b) without prejudice to reopen the action on good cause shown within 60 days if the settlement is not consummated; and

(2) if any party shall move to set aside this order and judgment as provided above or pursuant to the provisions of Federal Rule of Civil Procedure 60(b), the Court retains jurisdiction to decide such motion to the extent necessary to enforce the terms and conditions of any settlement entered into between the parties; and

IT IS FURTHER ORDERED that the parties, even though the action will be marked as closed, may file a further stipulation of dismissal to protect their interests; and

IT IS FURTHER ORDERED that the Clerk of the Court designate the action as **CLOSED**.

s/ Mary L. Cooper
MARY L. COOPER
United States District Judge